

s.19(1)

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** 2012-Oct-11 10:06 AM  
**To:** [REDACTED]  
**Subject:** Correspondence from the Minister of Justice and Attorney  
General of Canada

Dear [REDACTED]

My office is in receipt of a copy of your correspondence, which was forwarded by your Member of Parliament, Mr. Costas Menegakis, concerning Bill C-309, the *Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act*. I regret the lengthy delay in responding.

As you are aware, Bill C-309 was introduced into the House of Commons on October 3, 2011, by Conservative Member of Parliament Mr. Blake Richards. Since it is a Private Member's Bill, it is being debated in accordance with the rules of Parliament for Private Members' Business. As you know, I am in favour of this legislation and our government is fully supporting this bill as it makes its way through Parliament.

Should you wish to learn more about the content and status of Bill C-309, please visit the Parliament of Canada Web site at  
[www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5136691](http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5136691).

With respect to your comments on student demonstrations in Quebec, this matter falls within the portfolio of Ms. Marie Malavoy, Minister of Education, Recreation and Sports for Quebec. Accordingly, if you have not already done so, you may wish to share your concerns with Ms. Malavoy, who is responsible for related legislation in that province. She may be reached at the following address: [ministre@mels.gouv.qc.ca](mailto:ministre@mels.gouv.qc.ca).

I appreciate having had your comments brought to my attention.

Yours truly,

The Honourable Rob Nicholson

c.c.: Mr. Costas Menegakis

## MCU / UCM

### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-05-28  
Date of Receipt / Reçu le: 2012-05-30

MCU # / # UCM: 2012-010852

Author / Auteur: Mr. Costas Menegakis VIP  
MP, Richmond Hill

Doc Type / Type de Doc: R

House of Commons

Subject / Sujet: 140001  
Criminal Code - General

Ottawa ON K1A 0A6

Due Date / Date d'échéance: 2012-07-12

s.19(1)

Sector's Due Date / Date d'échéance du secteur:

Re: [REDACTED]

Assigned To / Assigné à: MCUED2

Assigned Date / Assigné le: 2012-05-30

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- ☐ Minister's Chief of Staff or Assistant / Chef de cabinet ou Adjoint du ministre
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Comments / Remarques:

#### INSTRUCTIONS

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- A: ☐ Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
- F: ☐ Action at your discretion / Donner suite à votre discrétion
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- I: ☐ For your information (no action required) / À titre d'information (aucune mesure requise)

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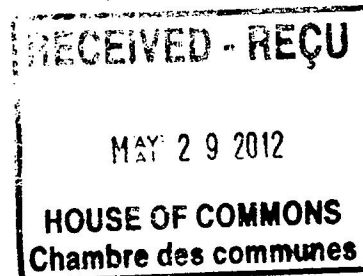
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File Away / Classé:



**Costas Menegakis**  
Member of Parliament  
Richmond Hill

The Honourable Robert Douglas Nicholson  
Minister of Justice and Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario  
Canada K1A 0H8



R12-010852  
MCUED2  
140001

May 28, 2012

Dear Honourable Colleague,

I was recently contacted by a constituent of mine, [REDACTED] regarding the current protesting in Quebec [REDACTED] has asked that I forward your office a copy of her correspondence and as such I have enclosed her emails from earlier this month.

Thank you for your kind attention to this matter.

Best regards,

s.19(1)

[REDACTED]  
Costas Menegakis, MP  
Richmond Hill

**Ottawa**  
Room 163  
Confederation Building  
House of Commons  
Ottawa, ON K1A 0A6  
Tel: 613-992-3802  
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**Riding**  
9555 Yonge Street, Suite 400  
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L4C 9M5  
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Costas.Menegakis.C1@parl.gc.ca

www.CostasMenegakis.ca

Raid  
MAY 29 2012  
#551-12

**Menegakis, Costas - M.P.**

s.19(1)

**Subject:** FW: Bill C-309

**From:** [REDACTED]  
**Sent:** Thursday, May 17, 2012 9:15 AM  
**To:** Menegakis, Costas - Riding 1A  
**Subject:** RE: Bill C-309  
**Importance:** High

Your email of May 9, 2012 encouraged me to forward my email to another member of parliament. With all due respect I feel that should be done by your office. Would you please forward my email to this member of parliament.

It would appear that my concerns are valid and that the unrest is escalating. Has Mr. Menegakis been made aware of my email? Has he spoken to the education minister and minister of justice or forwarded my email. I would ask him to do so.

So many students wanting to advance and in some cases complete their education are being barred from doing so and that is in my view despicable. The government needs to take action as this has escalated to terrorism and civil unrest.



**From:** [Costas.Menegakis.C1A@parl.gc.ca](mailto:Costas.Menegakis.C1A@parl.gc.ca) [<mailto:Costas.Menegakis.C1A@parl.gc.ca>]  
**Sent:** May-09-12 3:37 PM  
**To:** [REDACTED]  
**Subject:** RE: Bill C-309

Dear [REDACTED]

Thank you for sharing your thoughts on this Bill. I encourage you to share your opinion with MP Blake Richards. Here is his contact information if you feel that you wish to do so:

<http://www.blakerichards.ca/>

Thank you,

**Carly Danilewski**  
Office of Costas Menegakis  
Member of Parliament  
Richmond Hill  
905-770-4440



**From:** [REDACTED]  
**Sent:** Wednesday, May 09, 2012 3:29 PM  
**To:** Menegakis, Costas - Riding 1A  
**Subject:** RE: Bill C-309

Thank you.

I see that the legislation received first reading October 2011 and second reading February 2012.

- an indictable offence targeting those who take part in a riot while wearing a mask or disguise to conceal identity, without lawful excuse; and
- a hybrid offence, targeting those who participate in an unlawful assembly while wearing a mask or disguise to conceal identity, without lawful excuse. The maximum penalty on indictment for this offence would be five years, and on summary conviction the maximum penalty would be six months imprisonment and/or a maximum fine of \$5,000.

In light of the current protesting/rioting in Quebec it is my opinion that this bill does not go far enough to protect the communities and the police.

Imagine walking home from the library and facing dozens of protesters all dressed in black and carrying cameras. At the time these protesters are headed towards an assembly with the probable intent to cause destruction and recklessness. This legislation does not do anything until they are immersed within crowds of peaceful students and then cause the destruction and violence putting everyone including the police in danger.

Editorials regarding the Quebec "student protests" are encouraging the silent majority to speak up. It is not the place of our students to fight this battle. The protest is not really about a tuition increase, since Quebec students are privileged to an excess. It is obvious that the privilege is unwarranted.

If someone shows up to a march with their face covered, regardless of whether it is a legal protest, it is generally accepted that they are there with malintent. The proposed legislation should be pre-emptive and give the police judgement to intercept trouble not wait for it to occur.

s.19(1)

**From:** [Costas.Menegakis.C1A@parl.gc.ca](mailto:Costas.Menegakis.C1A@parl.gc.ca) [<mailto:Costas.Menegakis.C1A@parl.gc.ca>]  
**Sent:** May-09-12 2:35 PM  
**To:** [REDACTED]  
**Subject:** Bill C-309

Dear [REDACTED]

Below please find a link regarding the private member's bill put forth on Monday by MP Blake Richards as well as some information on this Bill. I am also providing you with a link to Open Parliament, a website by which you can track the progress of the Bill. I believe at the moment, the Bill is in committee. It will then be voted on in the House of Commons, and finally in the Senate. Please let me know if I can be of any more assistance to you in this matter and I hope you find this information useful.

<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5136691>

<http://openparliament.ca/bills/41-1/C-309/>

## **GOVERNMENT SUPPORTS PRIVATE MEMBER'S BILL, THE CONCEALMENT OF IDENTITY ACT**

**OTTAWA, May 6, 2012** – The Honourable Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada, announced the Government's support for Private Member's Bill C-309, the *Concealment of Identity Act*. Sponsored by Blake Richards, Alberta M.P. for Wild Rose, this Act targets those who conceal their identity with a mask while rioting.

"Our Government is committed to the safety and security of all Canadians. Destructive and reckless behaviour damages communities and should not be tolerated," said Minister Nicholson. "I applaud Blake Richards for his dedication to keeping our streets and communities safe. Our Government is committed to standing up for law-abiding Canadians, which is why we will vote in support of this Private Member's Bill."

The provisions of the *Concealment of Identity Act* would create two new Criminal Code offences:

- an indictable offence targeting those who take part in a riot while wearing a mask or disguise to conceal identity, without lawful excuse; and
- a hybrid offence, targeting those who participate in an unlawful assembly while wearing a mask or disguise to conceal identity, without lawful excuse. The maximum penalty on indictment for this offence would be five years, and on summary conviction the maximum penalty would be six months imprisonment and/or a maximum fine of \$5,000.

"Canada's justice system must not put the rights of criminals ahead of the rights of law-abiding citizens," said Mr. Richards. "The *Concealment of Identity Act* would give police the tools they need to identify offenders who cause damage to this country's neighbourhoods."

The proposed bill is not directed at lawful freedom of expression and peaceful assembly.

-30-

Ref.:

- Julie Di Mambro  
Press Secretary  
Office of the Minister of Justice  
613-992-4621

All my best,

**Carly Danilewski**  
Office of Costas Menegakis  
Member of Parliament

Richmond Hill  
905-770-4440

s.19(1)

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** August 24, 2012 3:10 PM  
**To:** [REDACTED]  
**Subject:** Courriel au nom du ministre de la Justice et procureur général du Canada

Monsieur,

Au nom de l'honorable Rob Nicholson, ministre de la Justice et procureur général du Canada, j'accuse réception de votre correspondance dans laquelle vous faites part au ministre de vos préoccupations à propos d'une mesure législative du gouvernement du Québec touchant les étudiants de niveau postsecondaire dans cette province. Je trouve regrettable que cette réponse ne vous soit pas parvenue plus tôt.

Tout d'abord, sachez que je comprends pourquoi vous vous adressez au ministre à cet égard. Toutefois, j'espère que vous comprendrez qu'à titre de ministre de la Justice et procureur général du Canada, les fonctions de M. Nicholson consistent à fournir des conseils juridiques au gouvernement fédéral, de même qu'à ses ministères et organismes. Il n'est donc pas en mesure d'intervenir dans des domaines qui relèvent de la compétence provinciale. D'ailleurs, il en va de même pour les fonctionnaires du ministère de la Justice et les membres de son cabinet.

En effet, il serait peut-être utile que vous sachiez que la Constitution du Canada sépare les pouvoirs entre le gouvernement fédéral et les gouvernements provinciaux et chacun des paliers gouvernementaux a l'autonomie nécessaire pour agir dans son domaine de compétence. Ainsi, les questions touchant l'accès à l'enseignement de niveau postsecondaire au Québec sont du ressort du gouvernement de cette province. Par conséquent, si ce n'est déjà fait, vous voudrez peut-être faire part de vos commentaires à Mme Michelle Courchesne, ministre de l'Éducation, du Loisir et du Sport, de qui relèvent les établissements de niveau postsecondaire dans votre province et la *Loi permettant aux étudiants de recevoir l'enseignement dispensé par les établissements de niveau postsecondaire qu'ils fréquentent*. Vous pourrez la joindre à l'adresse suivante : [ministre@mels.gouv.qc.ca](mailto:ministre@mels.gouv.qc.ca).

Je vous prie d'agréer, Monsieur, l'expression de mes sentiments les meilleurs.

L. Bisson  
Gestionnaire  
Unité de la correspondance ministérielle

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### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-05-18  
Date of Receipt / Reçu le: 2012-05-18

MCU # / # UCM: 2012-010119

Author / Monsieur Andre Berube  
Auteur:

Doc Type / Type de Doc: R

Subject / Sujet: 290001  
Provincial Matters - General

Due Date / Date d'échéance: 2012-07-04

Sector's Due Date / Date d'échéance du secteur:

s.19(1)

Assigned To / Assigné à: MCUED2

Assigned Date / Assigné le: 2012-05-22

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R12 - 010119  
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**Ministerial Correspondence Unit**

**From:** [REDACTED]  
**Sent:** 2012-May-18 1:58 PM  
**To:** Ministerial Correspondence Unit  
**Subject:** Urgence: dérive législative au Québec s.19(1)

Honorable Ministre Nicholson,

Je suis un citoyen canadien qui habite Québec, au Québec. Je m'appelle [REDACTED]

Le parlement de ma province veut présentement voter une loi qui brimerait plusieurs de mes droits civiques. Celui de porter un symbole politique ( carré rouge) qui n'incite en rien à la violence. C'est un symbole qui signifie la volonté d'obtenir la gratuité scolaire, tel que le Québec s'est engagé à faire en 1976 en signant le Pacte international relatif aux droits économiques, sociaux et culturels.

Par ailleurs, je suis complètement abasourdi d'apprendre que le gouvernement du Parti libéral souhaite restreindre le droit d'association en limitant le droit de manifester pacifiquement.

Je compte sur le gouvernement du Canada pour me protéger contre la loi 78 qui est inconstitutionnelle.

Appelez-moi s'il vous plait au [REDACTED]  
J'habite le [REDACTED]

s.19(1)

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** 2012-Aug-31 10:21 AM  
**To:** [REDACTED]  
**Subject:** Correspondence on behalf of the Minister of Justice and Attorney General of Canada

Dear [REDACTED]

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence concerning student demonstrations in Quebec. I regret the delay in responding.

As provincial governments are responsible for postsecondary education in Canada, this matter is the responsibility of the Government of Quebec and falls within the portfolio of Ms. Michelle Courchesne, Minister of Education, Recreation and Sports for Quebec. Accordingly, if you have not already done so, you may wish to share your concerns with Ms. Courchesne. She may be reached at the following address: [ministre@mels.gouv.qc.ca](mailto:ministre@mels.gouv.qc.ca).

Thank you for writing.

Yours sincerely,

L. Bisson  
Manager  
Ministerial Correspondence Unit

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Document Date / Date du document: 2012-06-07

Date of Receipt / Reçu le: 2012-06-08

MCU # / # UCM: 2012-011550

Author /  
Auteur:



s.19(1)

Doc Type / Type de Doc: R

Subject / Sujet: 250005

Constitution - Freedom of Expression/Speech/Religion

Due Date / Date d'échéance: 2012-07-24

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED1

Assigned Date / Assigné le: 2012-06-11

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signed on / signée le \_\_\_\_\_

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N.P.  
R12-011550  
MCUED

## Ministerial Correspondence Unit

**From:** Nicholson, Robert Douglas - M.P. [rob.nicholson@parl.gc.ca]  
**Sent:** 2012-Jun-08 10:20 AM  
**To:** Ministerial Correspondence Unit  
**Subject:** FW: quebec demonstrations

250005

**Importance:** High s.19(1)

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**From:** [REDACTED]  
**Sent:** June 7, 2012 11:59 PM  
**To:** Nicholson, Robert Douglas - M.P.  
**Subject:** quebec demonstrations  
**Importance:** High

To Minister Nicholson:

I think the Canadian Government needs to assist Quebec in quelling the ongoing demonstrations in Quebec. The student demonstrations are not of any substance as you can see when listening to student leaders and demonstrators. They are mimicking the demonstrations in the Middle East that brought about a change in leadership and governance in the Middle East, unseating governments due to corruption not an increase in tuition fees. My point being is that these demonstrations are not based on any government corruption in Quebec, but a complaint about rising tuition fees. The complaint can be dealt with through regular grievance mechanisms or the courts. The demonstrators are holding a government hostage over a minor irritant and if the Quebec Government lacks the resources to enforce the rule of law then the Canadian Government needs to assist the Quebec Government in upholding the rule of law.

These demonstrations are exceeding the level of grievance the students have and should not be allowed to continue unabated. As well the demonstrators seem to perceive conflict with police and arrest as an accomplishment, something to be celebrated. This is a disconnect with reality and both Governments need to restore the reality of the situation to the students and demonstrators. What law allows demonstrators to occupy a legally sanctioned classroom and lesson and intimidate students who are lawfully attending class? None I know of. Imitating the earlier demonstrations in the Middle East is not a form of flattery, it is mimicry and I know law enforcement are entitled to better treatment than they are receiving from demonstrators who have confused imitation with their right to demonstrate. This intentional ignorance of the rule of law is diluting the rule of law because no one is willing to confront the students and demonstrators and point out their manipulation and exaggeration of this issue. Demonstrating to disrupt the Grand Prix Race in Quebec has no nexus of connection to the student's original grievance. To do nothing will set a precedent that will resonate for decades. Thank you for your attention to this matter.

[REDACTED]

s.19(1)

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** August 28, 2012 9:34 AM  
**To:** [REDACTED]  
**Subject:** Correspondence from the Minister of Justice and Attorney General of Canada

Dear [REDACTED]

Thank you for your correspondence concerning self-defence. I regret the delay in responding.

I hope you will understand that, as Minister of Justice and Attorney General of Canada, I cannot comment on a specific case or situation.

I note your support for the introduction of a "castle doctrine" into Canadian law. As you may be aware, the "castle doctrine" is an American common-law principle that gives a person certain protections against home intruders. Typically, the doctrine ensures that a person whose home is invaded may use force against the invader without any duty to withdraw or retreat from the home before using that force.

I would like to clarify that Canadian self-defence laws currently require a person to retreat before using force against a threat in only one situation, namely in cases where the tables have turned and the instigator of a fight becomes the defender as part of the same confrontation. In such cases, the instigator must first attempt to retreat in order to be able to claim self-defence if he or she actually kills the other person. It is important to note that this is a very narrow application of self-defence that does not extend to home invasion situations.

In all other circumstances under the current law, there is no duty on a person to retreat as a pre-condition for defensive action. Therefore, there is no need to introduce a "castle doctrine" in Canada.

Nonetheless, I believe that more needs to be done to ensure that Canadians are able to protect themselves against criminal acts. For this reason, on November 22, 2011, I introduced in the House of Commons Bill C-26, the *Citizen's Arrest and Self-defence Act*. The Bill received Royal Assent on June 28, 2012, and will come into force in due course. This act will streamline and simplify the defence of property and self-defence provisions in the *Criminal Code*, as well as expand the circumstances in which citizens' arrests can be made.

Courts have found the laws on self-defence and defence of property to be confusing and unnecessarily complicated due to the way these provisions are written in the *Criminal Code*. Clarifying the laws in this area will allow Canadians—including police, prosecutors, and the courts—to more easily understand and better apply the law, and assist prosecutors and police in exercising their discretion not to lay a charge or proceed with a prosecution.

Under the new Act, there are no circumstances in which a person must first try to retreat before being able to act in self-defence. In some situations, where there is a possibility of safely retreating, this may be a relevant factor in determining whether the person acted reasonably. However, it is important to note that retreat is not a necessary pre-condition to the defence.

The Act also expands the citizen's arrest authority. Under the current provision of the *Criminal Code*, a private citizen can only arrest an individual who is actively engaged in committing a criminal offence that occurs on or in relation to property. This act allows a property owner to make an arrest within a reasonable period of time after finding someone committing such an offence. However, the property owner would only be permitted to make a citizen's arrest when there are reasonable grounds to believe that it would not be feasible in the circumstances for a peace officer to make the arrest.

As provided in the existing legislation, the arrestor would still be expected to contact the police as promptly as possible and the police will advise the arrestor whether to continue to detain the person until police arrive.

In addition, the Act makes reference to the existing *Criminal Code* provision on the lawful use of force, making it clearer that only as much force as is reasonably necessary could be used during a citizen's arrest.

I believe that these reforms provide clear direction on the appropriate use of these defences, thereby providing Canadians with safer and healthier communities in which to live.

I note your concerns regarding riots that have taken place in Quebec. While the Parliament of Canada is responsible for enacting criminal law, the administration of justice, including the prosecution of *Criminal Code* offences, is the responsibility of the provincial governments. Therefore, if you have not already done so, you may wish to write Mr. Jean-Marc Fournier, Minister of Justice and Attorney General of Quebec, who is responsible for the administration of justice in your province. His office can be reached at [ministre@justice.gouv.qc.ca](mailto:ministre@justice.gouv.qc.ca).

It may interest you to know that Bill C-309, the *Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act*, was introduced into the House of Commons on October 3, 2011, by Conservative Member of Parliament Mr. Blake Richards. Since it is a Private Member's Bill, it will be debated in accordance with the rules of the House of Commons for Private Members' Business. I am in favour of this legislation and our government is fully supporting this bill as it makes its way through Parliament.

Thank you again for writing.

Yours truly,

The Honourable Rob Nicholson

## MCU / UCM

### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-05-22  
Date of Receipt / Reçu le: 2012-05-22

MCU # / # UCM: 2012-010381

Author /  
Auteur:

s.19(1)

Doc Type / Type de Doc: R

Subject / Sujet: 140042  
Criminal Code - Defence of Person/Property

Due Date / Date d'échéance: 2012-07-06

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED4

Assigned Date / Assigné le: 2012-05-24

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**Ministerial Correspondence Unit**

R12-010381

MWED4

140042

**From:** Nicholson, Robert Douglas - M.P. [rob.nicholson@parl.gc.ca]  
**Sent:** 2012-May-22 5:04 PM  
**To:** Ministerial Correspondence Unit  
**Subject:** FW: Empowering citizens

s.19(1)

**From:** [REDACTED]  
**Sent:** May 22, 2012 5:02 PM  
**To:** Nicholson, Robert Douglas - M.P.  
**Subject:** Empowering citizens

Dear Minister Nicholson,

As you know, the Province of Quebec and the City of Montreal have recently been the scene of numerous protests, and a few riots, resulting in serious damage to private and public property. Many students and private citizens (otherwise unconcerned by the subject of the protests) have been insulted, bullied and assaulted by a small minority of the protesters. These victims are of course protected by Canadian law. However, very few presumed assailants have actually been arrested or brought before a judge. Thus, the protection offered to the victims by our laws is only partial and post hoc. I believe private citizens could themselves become a significant deterrent to criminal acts if Canadian self-defence laws were changed in order to allow the would-be victims of violent criminal acts to stand their ground against would-be assailants. Specifically, the conditions under which a citizen can invoke self-defence should be significantly broadened. Citizens should be allowed to use reasonable physical force to defend their property, their physical integrity and that of others without having to have tried to "retreat" or "avoid violent confrontation". I believe this Conservative Government should enact "Stand your Ground" and "Castle Law" legislation as soon as possible. Montrealers and all indeed Canadian citizens would surely recognize you're party's continuing support of civil liberties, personal responsibility and the public interest.

Sincerely,

s.19(1)

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** 2012-Oct-10 9:53 AM  
**To:** [REDACTED]  
**Subject:** Courriel du ministre de la Justice et procureur général du Canada

Monsieur,

Le Cabinet du Premier ministre m'a fait parvenir une copie de votre correspondance dans laquelle vous demandez des modifications à la *Charte canadienne des droits et libertés* dans le contexte des manifestations au Québec contre une hausse proposée des droits de scolarité postsecondaires. Je trouve regrettable que cette réponse ne vous soit pas parvenue plus tôt.

Tout d'abord, il serait peut-être utile que vous sachiez qu'à titre de ministre de la Justice et procureur général du Canada, mes fonctions consistent à fournir des conseils juridiques au gouvernement fédéral, de même qu'à ses ministères et organismes. J'espère donc que vous comprendrez que je ne suis pas en mesure de donner des conseils juridiques aux particuliers ni d'intervenir dans des dossiers qui relèvent de la compétence provinciale. Je ne suis également pas habilité à émettre de commentaires à l'égard d'affaires qui se trouvent devant les tribunaux. Toutefois, j'aimerais vous fournir certains renseignements généraux à l'égard des problématiques que vous soulevez.

En outre, il serait peut-être utile que vous sachiez que, bien que le Parlement du Canada puisse légiférer en matière de droit pénal, l'administration de la justice incombe aux gouvernements provinciaux. Ainsi, si ce n'est déjà fait, vous pouvez écrire à M. Bertrand St-Arnaud, ministre de la Justice du Québec, de qui relève l'administration de la justice dans votre province. Vous pourrez le joindre à l'adresse suivante : [ministre@justice.gouv.qc.ca](mailto:ministre@justice.gouv.qc.ca).

En ce qui concerne la loi adoptée par l'Assemblée nationale du Québec relativement aux manifestations publiques et le règlement connexe adopté par la Ville de Montréal, il reviendra aux tribunaux de déterminer si ces mesures respectent la Charte. Il importe de noter que les lois adoptées par l'Assemblée nationale du Québec ne sont pas de mon ressort.

J'apprécie le fait d'avoir été informé de vos commentaires et vous prie d'agréer, Monsieur, l'expression de mes sentiments les meilleurs.

L'honorable Rob Nicholson

## MCU / UCM

### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-06-28

Date of Receipt / Reçu le: 2012-06-28

MCU # / # UCM: 2012-012918

Author / A. Ibrahim  
Auteur: Agent de correspondance de la haute direction

Cabinet du Premier ministre

s.19(1) Ottawa ON K1A 0A2

pm@pm.gc.ca

Copy to: [REDACTED]

Doc Type / Type de Doc: R

Subject / Sujet: 250005  
Constitution - Freedom of Expression/Speech/Religion

Due Date / Date d'échéance: 2012-08-14

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED2

Assigned Date / Assigné le: 2012-06-29

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**Ministerial Correspondence Unit**

R12-012918

**From:** Prime Minister/Premier Ministre [PM@pm.gc.ca]  
**Sent:** 2012-Jun-28 1:44 PM  
**To:** [REDACTED]  
**Cc:** Ministerial Correspondence Unit  
**Subject:** Office of the Prime Minister / Cabinet du Premier ministre

MCUED2

s.19(1)

250005

Monsieur,

J'accuse réception de votre courriel adressé au très honorable Stephen Harper.

Nous avons pris connaissance de vos commentaires avec grand intérêt. Comme la question que vous soulevez intéresse de l'honorable Robert Nicholson, ministre de la Justice et procureur général du Canada, j'ai pris la liberté de lui transmettre copie de votre courriel à titre d'information.

Je vous remercie d'avoir écrit au Premier ministre.

A. Ibrahim  
Agent de correspondance  
de la haute direction  
pour le Cabinet du Premier ministre

>>> De : [REDACTED] Reçu : 19 mai 2012 09:23:35 AM >>>

>>> Sujet : bonjour Monsieur le Premier Ministre >>>>

Monsieur le Premier Ministre Stephan Harper

Concernant les problèmes au Québec, qu'attendez-vous pour faire des amendements à la Charte des droits et liberté. Nos policiers ont les mains liées. Il y a des lois qui ont été votées à l'Assemblée Nationale du Québec concernant les étudiants mais comme cette Charte protège de façon outrancière les droits individuels par rapport au droit de la majorité. Cette loi sera contestée et invalidée due à cette Charte. (ex; port du masque, ne pas informer les policiers du parcours de la manifestation, ainsi que les injonctions qui ne sont pas respectées.

Merci de me lire

[REDACTED]

PS: Nous avons du modifier le costumes de la Gendarmerie Royale du Canada pour accomoder des obligations religieuses. Il est temps que change ces temps de laxisme et de protéger nos us et coutumes.



## MCU / UCM

### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-06-07  
Date of Receipt / Reçu le: 2012-06-08

MCU # / # UCM: 2012-011547

Author /  
Auteur:

Doc Type / Type de Doc: I

Subject / Sujet: 260040  
Maier, Margaret

Due Date / Date d'échéance:

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCU-FILE

Assigned Date / Assigné le: 2012-06-11

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**Ministerial Correspondence Unit**

**From:** Tougas, Sylvie  
**Sent:** 2012-Jun-08 10:25 AM  
**To:** Vachon, Jean-Philippe; Ministerial Correspondence Unit  
**Subject:** FW: Bill-78 is BAD

To log pls.

**From:** Nicholson, Robert Douglas - M.P. [<mailto:rob.nicholson@parl.gc.ca>]  
**Sent:** June 8, 2012 10:21 AM  
**To:** Tougas, Sylvie  
**Subject:** FW: Bill-78 is BAD

**From:** [REDACTED]  
**Sent:** June 7, 2012 10:18 PM  
**To:** Lebel, Denis - Député  
**Cc:** Nicholson, Robert Douglas - M.P.  
**Subject:** Bill-78 is BAD

s.19(1)

The Hon. Denis Lebel

Minister of Economic Development for Regions in Quebec

House of Commons

Ottawa

Dear Mr. Lebel;

IF it helps the students in Montreal to hear my condemnations of Quebec Bill-78 I want to be loud and clear. Bill-78 attacks civil liberties, fundamental rights, freedom of speech, the right to organize and demonstrate, student unions, employee associations, and the meaning of democracy. It has moved widespread across Canada into a political and social crisis.

Education should be free for all, to help Canadians make the best of their lives. The alternative is the prisons the government is busy building. People would much prefer to pay taxes for young people's education than for F-35s, bombing other countries, or military occupation of foreign countries. Education activities should trump all killing operations. Students are hungry and sleeping in class after working long hours to pay for tuition (and you want them raised). This should not be. The wealthy can afford tuition. We don't want the elite to run the country. Most of them have no understanding of what it means to be human in an impoverished environment. We want a government that gives everybody the same but fair chance.

Governments, which threaten youth access to education, who gas protesters, make mass arrests, mock them, refuse to negotiate with them, and provide bastions of privilege for the elite, are violent toward their citizens. Violence against students is not the rational judgment of a sound democracy.

s.19(1)



s.19(1)

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** August 24, 2012 3:11 PM  
**To:** [REDACTED]  
**Subject:** Courriel au nom du ministre de la Justice et procureur général  
du Canada

Madame,

Au nom de l'honorable Rob Nicholson, ministre de la Justice et procureur général du Canada, j'accuse réception de votre correspondance concernant M. Gabriel Nadeau-Dubois, co-porte-parole de la Coalition large de l'Association pour une solidarité syndicale étudiante. Je trouve regrettable que cette réponse ne vous soit pas parvenue plus tôt.

Il serait peut-être utile que vous sachiez que les questions touchant les manifestations étudiantes au Québec sont du ressort du gouvernement de votre province. Ainsi, si vous le désirez et si ce n'est déjà fait, vous pouvez faire part de vos préoccupations en cette matière à Mme Michelle Courchesne, ministre de l'Éducation, du Loisir et du Sport du Québec, de qui relève la *Loi permettant aux étudiants de recevoir l'enseignement dispensé par les établissements de niveau postsecondaire qu'ils fréquentent*. Vous pourrez la joindre à l'adresse suivante : [ministre@mels.gouv.qc.ca](mailto:ministre@mels.gouv.qc.ca).

Je vous prie d'agréer, Madame, l'expression de mes sentiments les meilleurs.

L. Bisson  
Gestionnaire  
Unité de la correspondance ministérielle

## MCU / UCM

### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-06-04  
Date of Receipt / Reçu le: 2012-06-04

MCU # / # UCM: 2012-011203

Author /  
Auteur:

s.19(1)

Doc Type / Type de Doc: R

Subject / Sujet: 110003  
Justice - Administration of Justice (Comments)

Due Date / Date d'échéance: 2012-07-18

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED2

Assigned Date / Assigné le: 2012-06-05

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**Ministerial Correspondence Unit**

R12-011203  
MWEDZ  
110003

**From:** [REDACTED]  
**Sent:** 2012-Jun-04 6:58 PM  
**To:** Ministerial Correspondence Unit  
**Subject:** Gabriel Nadeau Dubois est un terroriste

Bonjour c est quand vous aller enquêter sur c est homme qui demande aux étudiants de défier les lois et qui défi l autoriter d un premier ministre. Les citoyens sont écœurer



Envoyé de mon iPad

**From:** Ministerial Correspondence Unit - Mailout  
**Sent:** July 18, 2012 10:20 AM  
**To:** [REDACTED]  
**Subject:** Correspondence on behalf of the Minister of Justice and Attorney General of Canada

s.19(1)

Dear [REDACTED]

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence of May 29, 2012, concerning Quebec's Bill 78, *An Act to Enable Students to Receive Instruction from the Postsecondary Institutions They Attend*.

Ms. Michelle Courchesne, Minister of Education, Recreation and Sports for Quebec is responsible for education legislation in that province. Accordingly, if you have not already done so, you may wish to share your concerns with Ms. Courchesne. She may be reached at [ministre@mels.gouv.qc.ca](mailto:ministre@mels.gouv.qc.ca).

Thank you for writing.

Yours sincerely,

L. Bisson  
Manager  
Ministerial Correspondence Unit

## MCU / UCM

### Ministerial Correspondence Unit / Unité de la correspondance ministérielle Routing Slip / Feuille de contrôle

Document Date / Date du document: 2012-05-29  
Date of Receipt / Reçu le: 2012-05-29

MCU # / # UCM: 2012-010820

Author /  
Auteur:

Doc Type / Type de Doc: R

Subject / Sujet: 250005  
Constitution - Freedom of Expression/Speech/Religion

Due Date / Date d'échéance: 2012-07-12

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED1

Assigned Date / Assigné le: 2012-05-30

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R12-010820

MCWEDI

250005

s.19(1)

## Ministerial Correspondence Unit

**From:** [REDACTED]  
**Sent:** 2012-05-29 4:42 PM  
**To:** Ministerial Correspondence Unit; newschannel@ctv.ca; news@ctv.ca; newsonline@ctv.ca; edmonton@globalnews.ca; webedmonton@cbc.ca  
**Subject:** Bill 78

I have a question about Bill 78. As a citizen of Canada and being born in Canada I have some real problems with this bill considering it breaks a one of the charters that this "free" country was built on.

I love Canada with all my heart but a bill like this removes all rights as a citizen and is something that the government should not look at with a blind eye. Since this country was created there has never been an issue with a peaceful assembly. I can understand if there are riots, injured citizens, or damage to property that the law must react, but nowhere in our charter does it say that a peaceful assembly is wrong. In fact that is encouraged!!!

How free would our country be if we could not stand up and say what we oppose or react to what our government suggests for our future. I do not have kids right now but I would not want to bring my kids up in a society where you cannot peacefully demonstrate your opinion.

If our country is not careful and the people of this country are not careful we will head into a communist country without even knowing it. By the time we get there we will not be able to reverse the damages that we let happen !!

On Wikipedia it says:

## Bill 78

From Wikipedia, the free encyclopedia  
Jump to: [navigation](#), [search](#)

**An Act to enable students to receive instruction from the postsecondary institutions they attend**, commonly known as **Bill 78**, is an emergency law passed on 18 May 2012 by the National Assembly of Quebec, Canada. The law restricts freedom of assembly, protest, or picketing on or near university grounds, and anywhere in Quebec without prior police approval. The law also places restrictions upon education employees right to strike. Bill 78 was drafted by members of the Quebec Liberal Party, introduced by Education Minister Michelle Courchesne, and passed with the support of the Coalition Avenir Québec party in response to ongoing student protests over proposed tuition increases.

Maybe I do not understand this completely and possibly I am being quite harsh with some of my views, But THIS IS MY RIGHT. In the charter of rights and freedom it states:

### Fundamental freedoms

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) **freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;**
- (c) **freedom of peaceful assembly;** and

(d) freedom of association.

Without these simple freedoms what will our country become? Why isn't the entire country protesting this? Am I the only one that thinks this is a huge mistake as a "free" country to take away our liberties like this?

I haven't seen anywhere in our charter, mention of giving police an itinerary before a "peaceful assembly". This blatant disregard for our freedoms should not be accepted and our "media" should be the ones leading an opposition against a bill like this. It has become quite apparent that our "media" does what they are told!

Again if you look up Media of Canada on Wikipedia you will see:

**The history of Canadian media performers goes back to the first days of radio. In the 1940s an association was formed called the Radio Artists of Toronto Society - RATS. Radio performers in Montreal, Winnipeg and Vancouver also organized to fight for artists' rights, working conditions and better fees.** In 1943, the Association of Canadian Radio Artists (ACRA) was formed as a loose national coalition of actors' groups. Over the years, ACRA evolved to become the Association of Canadian Radio and Television Artists, the Canadian Council of Authors and Artists, the Association of Canadian Television and Radio Artists and, in 1984, the Alliance of Canadian Cinema, Television and Radio Artists.<sup>[5]</sup>

**The Canadian Broadcasting Act, historically and in its modern conception, is based on the fact that since the start of the 20th century, it was important for broadcasters to ensure that information flowed freely and reflected the diversity of Canadian points of view, as opposed to the classic approach, which gives media owners more freedom to express their views. "The Canadian broadcasting system as we know it today would probably not exist if we had allowed the marketplace to regulate ownership rights."**

If our broadcasting companies, and our government was performing their duties with the people's interests in mind can anyone who reads this email tell me why they would pass a bill that would prevent peaceful assemblies? If I have to let the government (police) know anytime that I want to protest something then where is our freedom in that?

I want to finish off with a quote for John G. Diefenbaker:

**John G. Diefenbaker, Protest quotes:**

Freedom includes the right to say what others may object to and resent...The essence of citizenship is to be tolerant of strong and provocative words.

Thanks

s.19(1)



Department of Justice  
Canada

Ministère de la Justice  
Canada

NUMERO DU DOSSIER/FILE #: 2013-007402  
COTE DE SECURITE/SECURITY CLASSIFICATION: PROTECTED B

**TITRE/TITLE: Canada's Response to the UN Special Rapporteurs' Request for Information  
Regarding the Student Protests in Quebec**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- Your approval is sought on the proposed submission of Canada in response to a letter from the United Nations regarding the 2012 student protests in Quebec .



Approbation/signature du ministre demandée pour le/Minister's signature/approval requested by:

April 24, 2013

Soumis par (secteur)/Submitted by (Sector):	Public Law Sector	s.14
Responsable dans l'équipe du SM/Lead in the DM Team:	Aleksander Hynna	s.15(1)
Revue dans l'ULM par/Edited in the MLU by:	John Maker	s.21(1)(a)

Soumis au CM/Submitted to MO: April 23, 2013



Department of Justice  
Canada

Ministère de la Justice  
Canada

Protected B  
FOR APPROVAL

2013-007402

## MEMORANDUM FOR THE MINISTER

### Canada's Response to the UN Special Rapporteurs' Request for Information Regarding the Student Protests in Québec

#### ISSUE

Your approval is sought on the proposed submission of Canada in response to a letter from the United Nations regarding student protests in Quebec.

#### BACKGROUND



Special Rapporteurs are independent experts who work on behalf of the United Nations within their specific mandates that emanate from the UN Human Rights Council. These particular Special Rapporteurs have mandates that require them to consider complaints from alleged victims of human rights violations. It is in this context that the three Special Rapporteurs requested information from Canada.

s.14

s.15(1)

s.19(1)

s.21(1)(a)

revs MLU (22 April) 2013-007402 - BN - 007402 - Canada's Response to UN Info Request re Student Protest in QC

Page 1 of 4

The student protests in Quebec have attracted international attention. The right to peaceful protest is based on a combination of civil and political rights protected both by international treaties to which Canada is party, as well as the *Canadian Charter of Rights and Freedoms* and Quebec's *Charter of Human Rights and Freedoms*. This particular right is currently a matter of heightened interest at the United Nations and the Organization of American States because of the violent repression of protests in some states, such as during the "Arab Spring" and other incidents that have taken place at recent G8 and G20 meetings. In light of this, the Special Rapporteurs' request for information should not be considered unusual or problematic.

#### CONSIDERATIONS

It is important for Canada to respond to this request of the three Special Rapporteurs as a demonstration of the government's interest and support for the work of the UN in promoting human rights globally. The response provides Canada with an opportunity to tell its side of the story as the UN has so far heard from complainants only. It also serves to indicate that Canada takes the freedoms of expression, peaceful assembly and association seriously, and enables Canada to assure the UN that efficient review mechanisms are engaged at the domestic level.

#### *Process*



Page 2 of 4

s.14

revs MLU (22 April) 2013-007402 - BN - 007402 - Canada's Response to UN Info Request re Student Protest in QC

s.21(1)(b)

000033



***Content***



***Timing***



**RECOMMENDATION**



s.14

s.15(1)

s.21(1)(a)

s.21(1)(b)

ANNEXES [2]

Annex 1 :

Annex 2 :

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☐ I CONCUR.

☐ I DO NOT CONCUR.

☐ OTHER INSTRUCTIONS:

s.15(1)

s.21(1)(a)

\_\_\_\_\_  
The Honourable Rob Nicholson

\_\_\_\_\_  
Date

**Pages 36 to / à 44  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**15(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**





Department of Justice  
Canada

Ministère de la Justice  
Canada

NUMÉRO DE DOSSIER/FILE #: 2012-015537  
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: PROTECTED B

**TITRE/TITLE:** Canada's Response to the Special Procedures of the United Nations  
Regarding Student Protests in Quebec

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**



Soumis par (secteur)/Submitted by (Sector): Public Law Sector

s.14

Responsable dans l'équipe du SM/Lead in the DM Team: Pam Ermuth

s.15(1)

s.21(1)(a)

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s.19(1)

<input checked="" type="checkbox"/> MO File Copy	<input checked="" type="checkbox"/> [redacted]	<input type="checkbox"/> [redacted]	<input type="checkbox"/> [redacted]
<input checked="" type="checkbox"/> Eric Lafleur (BN only)	<input checked="" type="checkbox"/> [redacted] (BN only)	<input checked="" type="checkbox"/> [redacted]	<input type="checkbox"/> [redacted]
<input checked="" type="checkbox"/> [redacted] (BN only)	<input checked="" type="checkbox"/> [redacted] (BN only)	<input type="checkbox"/> Shirley Molloy	
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FOR INFORMATION

2012-015537

## MEMORANDUM FOR THE MINISTER

### Canada's Response to the Special Procedures of the United Nations for Information Regarding Student Protests in Quebec

#### ISSUE

Attached for your information is the proposed submission of Canada in response to a letter from the United Nations regarding student protests in Quebec.

#### BACKGROUND



Special Rapporteurs are independent experts who work on behalf of the UN within their specific mandates that emanate from the UN Human Rights Council. These particular Special Rapporteurs have mandates that require them to consider complaints from alleged victims of human rights violations. It is in this context that the three Special Rapporteurs requested information from Canada.

The student protests in Quebec have attracted international attention. The right to peaceful protest is based on a combination of civil and political rights protected both by international treaties to which Canada is party as well as the *Canadian Charter of Rights and Freedoms* and Quebec's *Charter of Human Rights and Freedoms*. This particular right is currently a matter of heightened interest at the UN and the Organization of American States because of the violent repression of protests in some States, such as the "Arab Spring" and incidents over the years in

the course of meetings of the G8 and G20. In light of this, the Special Rapporteurs' request for information ought not to be considered unusual.

It is important for Canada to respond to this request as a demonstration of the Government's interest and support for the work of the UN in promoting human rights globally. Further, the response provides Canada with an opportunity to tell its side of the story as the UN has so far heard from complainants only. It also serves as an indicator that Canada takes the freedoms of expression, peaceful assembly and association seriously, and enables Canada to assure the UN that efficient review mechanisms are engaged at the domestic level.

## CONSIDERATIONS

### *Process*



### *Content*



s.14 s.21(1)(a)  
s.15(1) s.21(1)(b)



## CONCLUSION



## ANNEXES [2]

Annex 1 :

Annex 2 :



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s.14

s.15(1)

s.21(1)(a)

s.21(1)(b)

**Pages 49 to / à 57**  
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**15(1)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

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**14, 21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**